United States Bankruptcy Court Southern District of Texas

ENTERED

April 08, 2024 Nathan Ochsner, Clerk

IN THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

	_)	
In re:) (Chapter 11
)	
ALEXANDER E. JONES,) (Case No. 22-33553 (CML)
)	
Debtor.)	
)	

THIRD AMENDED AGREED SCHEDULING ORDER FOR CONFIRMATION HEARING

WHEREAS, Debtor Alexander E. Jones ("Jones"), the Official Committee of Unsecured Creditors (the "Committee") appointed in the above-captioned chapter 11 case (the "Jones Case"), the Texas Plaintiffs, and the Connecticut Plaintiffs² (collectively, the "Parties") have met and conferred regarding the scheduling of dates relevant to a confirmation hearing to commence on Tuesday, May 21, 2024 (the "Confirmation Hearing") and have agreed to further amend the Second Amended Agreed Scheduling Order for Confirmation Hearing [ECF No. 624];

WHEREAS, the Court has considered the proposed schedule in connection with the Confirmation Hearing;

IT IS HEREBY ORDERED THAT:

1. The following dates and deadlines shall govern confirmation of any plans filed in the Jones Case, including discovery and the conduct of the Confirmation Hearing:

¹ The Texas Plaintiffs comprise Neil Heslin, Scarlett Lewis, Leonard Pozner, Veronique De La Rosa, and Marcel Fontaine.

The Connecticut Plaintiffs comprise David Wheeler, Francine Wheeler, Jacqueline Barden, Mark Barden, Nicole Hockley, Ian Hockley, Jennifer Hensel, Donna Sota, Carlee Soto Parisi, Carlos M. Soto, Jillian Soto-Marino, William Aldenberg, William Sherlach, Robert Parker, and Erica L. Ash.

Event	Date	
Plan Filing Date. The date by which any		
Party or other party in interest must file a plan	Friday, December 15, 2023	
(each, a "Plan").		
Jones Disclosure Statement Filing Date.		
The date by which Jones must file his	Friday, December 22, 2023	
disclosure statement in support of any Plan he	22.4.0, 2000	
has proposed.		
Committee Disclosure Statement Filing Date. The date by which the Committee, the		
Texas Plaintiffs and the Connecticut Plaintiffs		
and any other party in interest proposing a	Friday, January 5, 2024	
Plan must file its disclosure statement in		
support thereof.		
Written Discovery Deadline. The deadline		
by which the Parties and any other parties in		
interest shall serve discovery relating to any		
Plans, potential objections thereto, and any		
other matters to be heard at the Confirmation		
Hearing (the "Requests"). The Parties and		
other parties in interest may—and are		
encouraged to—serve Requests sooner. The		
Parties and any other parties in interest shall	T	
serve responses and objections to any	Tuesday, January 9, 2024	
Requests within two weeks of service of the		
Requests. For the avoidance of doubt, the		
Parties and any other parties in interest shall		
meet and confer in good faith regarding		
timing and any requested extension of		
response deadline. The Parties also reserve		
the right to serve Requests at a later date		
based on developments since January 9.		
Objections to Provisional Approval of		
Disclosure Statements. The date by which	Tuesday January 16, 2024	
Parties and any other parties in interest shall	Tuesday, January 16, 2024	
file any objections to the provisional approval of any disclosure statements filed.		
Disclosure Statement Hearing Date. The		
date on which the Parties and any other		
parties in interest shall, subject to the Court's		
availability, participate in a hearing regarding	Wednesday, January 24, 2024	
any disclosure statements filed to seek		
provisional approval thereof.		
Solicitation Mailing/Publication Deadline.	Monday, January 29, 2024	
Privilege Log Deadline. The date by which	•	
the Parties and any other recipients of the	Tuesday, January 30, 2024	

Requests shall have provided logs of		
documents responsive to the Requests that		
were withheld or redacted on the basis of any		
claim or privilege.		
Substantial Completion of Document		
Production. The date by which the Parties		
and any other recipients of the Requests shall		
substantially complete the production of		
documents in response to the Requests.		
Parties and any other recipients of the		
Requests must commence production of	E:1 E1 2 2024	
documents in response to Requests as soon	Friday, February 2, 2024	
as reasonably possible and shall roll out		
document production in tranches, as		
available. Parties and any other recipients		
of the Requests shall not wait until the		
substantial completion deadline to		
commence production.		
Preliminary Witness Lists. The date by		
which the Parties and any other parties in		
interest shall exchange lists of witnesses each	Monday, March 25, 2024	
such party in good faith expects to call at the	Withday, Watch 23, 2024	
1 7 5		
Confirmation Hearing.		
Fact Witness Depositions. The dates during	Wednesday, March 27, 2024 – Friday,	
which the Parties and any other parties in	April 19, 2024	
interest shall conduct fact witness depositions.	,	
Expert Reports. The date by which the		
Parties and any other parties in interest shall		
simultaneously exchange expert reports.	Friday, April 12, 2024	
Federal Rule of Civil Procedure 26 shall		
apply to any expert reports and discovery.		
Production of Materials Relied Upon in		
Expert Reports. The date by which the		
Parties and any other parties in interest shall		
produce copies of any documents or data that	Friday April 12 2024	
were (a) relied on by such party's expert in	Friday, April 12, 2024	
forming the opinions contained in such report		
and (b) have not already been produced in		
these cases.		
Plan Objection Deadline. The date by	15 1 1 1 1 1 2 2 2 2 2 1 1 1 1 1 1 1 1 1	
which objections to any Plan must be filed.	Monday, April 22, 2024	
Rebuttal Expert Report. The date by which		
the Parties and any other parties in interest	Wednesday, April 24, 2024	
may exchange rebuttal expert reports, if any.		
Production of Materials Relied Upon in		
Rebuttal Expert Reports. The date by	Wednesday, April 24, 2024	
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which the Parties and any other parties in		
interest shall produce copies of any		
documents or data that were (a) relied on by		
such party's expert in forming the opinions		
contained in rebuttal reports and (b) have not		
already been produced in these cases.		
Expert Depositions. The dates during which	Wadnesday April 17 Manday May 6	
the Parties and any other parties in interest	Wednesday, April 17 – Monday, May 6, 2024	
shall conduct expert witness depositions.	2024	
Exchange of Exhibits. The deadline by		
which the Parties and any other parties in		
interest shall exchange exhibits with each		
other, subject to such Parties' and parties in		
interest' ability to supplement exhibits with	Wednesday, April 24, 2024	
materials related to expert discovery (such		
supplemental materials, "Supplemental		
Expert Exhibits").		
Exchange of Final Witness and Exhibit		
Lists. The date by which the Parties and any		
other parties in interest shall serve a final list		
of witnesses and exhibits they intend to offer		
<u> </u>		
at the Confirmation Hearing (including any	Friday, May 10, 2024	
Supplemental Expert Exhibits). Witness lists		
shall identify all witnesses that each party will		
call and may call at the Confirmation Hearing		
and shall provide a brief summary of the		
anticipated testimony of each witness.		
Objections to Final Witness and Exhibit		
Lists. The date by which the Parties and any		
other parties in interest must serve any	Tuesday, May 14, 2024	
objections to the final witness and exhibit		
lists.		
Replies to Objections / Briefs in Support of		
Confirmation. The date by which the Parties		
and any other parties in interest must file their	Thursday May 16, 2024	
replies to all timely objections to their	Thursday, May 16, 2024	
respective Plans and submit any briefs in		
support of confirmation of any Plan.		
Meet and Confer. The date on which the		
Parties and any other parties in interest shall	T	
meet and confer concerning any objections to	Friday, May 17, 2024	
witnesses or exhibits.		
Final Pretrial Conference. The date on		
which the Parties and any other parties in	[To be set week prior to Confirmation	
interest shall, subject to the Court's	Hearing]	
interest shan, subject to the Court's		

availability, participate in a final pretrial	
conference.	
Filing of Final Witness and Exhibit Lists	
with the Clerk of the Court. The deadline	[To be set two days before of commencement of Confirmation Hearing]
by which the Parties and any other parties in	
interest shall file final exhibit and witness	
lists with the Clerk of the Court.	
Confirmation Hearing Dates. The	
timeframe in which the Parties and any other	
parties in interest shall complete trial. For the	[Tuesday, May 21, 2024 – Wednesday, May
avoidance of doubt, final approval of any	22, 2024]
disclosure statements filed will be sought	
during the Confirmation Hearing.	

- 2. **Service.** The Parties and any other parties in interest agree to serve by email on all other Parties and any other parties in interest all discovery requests and written responses. Parties producing electronically stored information shall simultaneously transmit or make available such productions to all Parties that are bound by the *Stipulated Confidentiality Agreement and Protective Order*, dated February 14, 2023 [FSS ECF No. 461; Jones ECF No. 159].
- 3. **Discovery Disputes.** The Parties and any other parties in interest shall promptly seek Court intervention regarding any disputes that cannot be resolved consensually, which disputes shall be heard by the Court on an expedited basis.
- 4. **Intercreditor Discovery**. The Connecticut Plaintiffs and the Texas Plaintiffs have agreed to hold discovery between themselves in abeyance at present, but in the event either the Texas Plaintiffs or the Connecticut Plaintiffs determine to pursue such discovery, they will do so on an expedited schedule that results in no delay to the Confirmation Hearing.
- 5. **Confirmation Hearing.** The Parties and any other parties in interest will meet and confer on the details of the Confirmation Hearing, including the sequencing and length of witness testimony and the presentation of other evidence.

- 6. **Amendments or Modifications.** The Court may amend or modify the terms of this Order for good cause shown.
- 7. **Retention of Jurisdiction.** This Court shall retain jurisdiction over any and all matters arising from or related to the interpretation of this Order.

Signed: April 08, 2024

Christopher Lopez

United States Bankruptcy Judge